In the High Court of Judicature at Madras

Dated: 18.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.48958 of 2006

M.Magendran ..Petitioner

..vs..

1. The Member Secretary,
   Chennai Metropolitan Development
   Authority,
   Thalamuthu Natarajan Maligai,
   Egmore,
   Chennai-8.

2. The Commissioner,
   St.Thomas Mount Panchayat
   Union at Chitlapakkam,
   Chennai-64. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, for the reasons stated therein.

For Petitioner : Mr.K.S.Kumar

For Respondents : Mr.J.Ravindran for R1
Mr.A.Edwin Prabhakar,
Govt.Advocate for R2

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ORDER

(Order of the Court was made by P.SATHASIVAM, J.,)

The petitioner has approached this Court to issue a Writ of Mandamus directing the second respondent Commissioner, St.Thomas Mount Panchayat Union, Chitlapakkam, Chennai-64, to take action on the unauthorised construction in the Non-Urban Zone in S.No.131 of Thirisoolam Village as per the directions of the first respondent in Letter No.ES3/9877/2005 dated 23.06.2006.

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2. On direction, Mr.J.Ravindran, learned counsel takes notice for first respondent-CMDA and Mr.A.Edwin Prabhakar, learned Government Advocate takes notice for second respondent.

3. It is brought to our notice that even on 06.04.2006 in W.P.No.9652 of 2006, at the instance of the petitioner, this Court directed both the respondents to consider and pass orders on the representations of the petitioner dated 07.04.2005 and 10.10.2005, after affording opportunity to one Sheela Mathew, within a period of six weeks. It is brought to our notice that pursuant to the said direction, the first respondent, by a letter dated 23.06.2006 informed the petitioner that it is for the second respondent to take appropriate action/pass orders with reference to the grievance expressed. It is further pointed out that based on the said reply, the petitioner sent a representation to the second respondent on 17.07.2006 drawing his attention to the communication of the 1st respondent-CMDA dated 23.06.2006. According to the learned counsel for the petitioner, till date, there was no response from the second respondent though his representation dated 17.07.2006 was acknowledged on the same date.

4. In view of the limited issue raised, we are of the view that ends of justice would be met by directing the second respondent/Commissioner, St.Thomas Panchayat Union, Chitlapakkam, Chennai-64, to dispose of the representation of the petitioner dated 17.07.2006. It is made clear that if any action is to be taken against the said Sheela Mathew, the second respondent is directed to issue notice and afford opportunity to her to putforth her case, before taking any action.

With the above observation, the writ petition is disposed of. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Member Secretary,
   Chennai Metropolitan Development
   Authority,
   Thalamuthu Natarajan Maligai,
   Egmore, Chennai-8.

2. The Commissioner,
   St.Thomas Mount Panchayat
   Union at Chitlapakkam,
   Chennai-64.

+1cc to the Govt. Pleader Sr 63438
+1cc to Mr.K.S.Kumar, Advocate Sr 63327

TS (CO)
km/21.12.

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